

(II) in the case of unavailable production evidence, the county average yield, as determined by the Secretary.

(4) DETERMINATION OF PAYMENT.—

(A) IN GENERAL.—Except as provided in subparagraph (B), the amount of assistance provided under this subsection to an eligible producer shall equal the product obtained by multiplying, as determined by the Secretary—

(i) the quantity of hay harvested by the eligible producer;

(ii) a quality adjustment that is equal to the difference between—

(I) the average price per ton for average quality hay; and

(II) the average price per ton for poor quality hay due to flooding; and

(iii) 65 percent.

(B) LIMITATION.—The maximum amount that an eligible producer may receive under this subsection is \$40,000.

(5) RELATIONSHIP TO OTHER LAW.—Assistance received under this subsection shall be included in the calculation of farm revenue for the 2009 crop year under section 531(b)(4)(A) of the Federal Crop Insurance Act (7 U.S.C. 1531(b)(4)(A)) and section 901(b)(4)(A) of the Trade Act of 1974 (19 U.S.C. 2497(b)(4)(A)).

(6) ADJUSTED GROSS INCOME LIMITATION.—A person or legal entity with an average adjusted gross nonfarm income that exceeds the amount described in section 1001D(b)(1)(A) of the Food Security Act of 1985 (7 U.S.C. 1308-3a(b)(1)(A)) shall be ineligible to receive benefits under this subsection.

(7) DIRECT ATTRIBUTION.—In carrying out this subsection, the Secretary shall apply section 1001(e) of the Food Security Act of 1985 (7 U.S.C. 1308(e)).

On page 87, line 5, strike “(h)” and insert “(i)”.

On page 89, line 15, insert “for the purchase, improvement, or operation of the poultry farm” after “lender”.

On page 89, strike line 24 and insert the following:

(j) STATE AND LOCAL GOVERNMENTS.—Section 1001(f)(6)(A) of the Food Security Act of 1985 (7 U.S.C. 1308(f)(6)(A)) is amended by inserting “(other than the conservation reserve program established under subchapter B of chapter 1 of subtitle D of title XII of this Act)” before the period at the end.

(k) ADMINISTRATION.—

On page 90, line 4, insert “and the amendment made by this section” after “section”.

On page 90, line 7, insert “and the amendment made by this section” before “shall be”.

On page 91, line 1, strike “\$15,000,000” and insert “\$10,000,000”.

NOTICES OF HEARINGS

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Senate Committee on Energy and Natural Resources. The hearing will be held on Wednesday, March 10, 2010, at 9:30 a.m., in room SD-366 of the Dirksen Senate Office Building.

The purpose of the hearing is to receive testimony on energy efficiency bills, including S. 1696, the Green Gaming Act of 2009; S. 2908, the Water Heater Rating Improvement Act of 2009; S. 3059, the National Energy Efficiency Enhancement Act of 2010; S. 3054, a bill

to amend the Energy Policy and Conservation Act to establish efficiency standards for bottle-type water dispensers, commercial hot food holding cabinets, and portable electric spas; and for other purposes.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record may do so by sending it to the Committee on Energy and Natural Resources, United States Senate, Washington, DC 20510-6150, or by e-mail to Rosemarie_Calabro@energy.senate.gov.

For further information, please contact Allen Stayman or Rosemarie Calabro.

SUBCOMMITTEE ON WATER AND POWER

Mr. BINGAMAN. Mr. President, this is to correct the purpose of a hearing before the Subcommittee on Water and Power of the Committee on Energy and Natural Resources previously announced on March 1st. The hearing will be held on Tuesday, March 16, 2010, at 10 a.m., in room SD-366 of the Dirksen Senate Office Building in Washington, DC.

The purpose of this oversight hearing is to receive testimony on the Bureau of Reclamation's implementation of the SECURE Water Act, (Title 9501 of P.L. 111-11) and the Bureau of Reclamation's WaterSMART program which includes the WaterSMART Grant Program, the Basin Study Program and the Title XVI Program.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send it to the Committee on Energy and Natural Resources, United States Senate, Washington, DC 20510-6150, or by e-mail to Gina_Weinstock@energy.senate.gov.

For further information, please contact Tanya Trujillo or Gina Weinstock.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. WEBB. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on March 3, 2010, at 4:30 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. WEBB. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on March 3, at 10 a.m. in room SD-366 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. WEBB. Mr. President, I ask unanimous consent that the Com-

mittee on Environment and Public Works be authorized to meet during the session of the Senate on March 3, 2010, at 10 a.m. in room 406 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. WEBB. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on March 3, 2010, at 10 a.m. in room 215 of the Dirksen Senate Office Building, to conduct a hearing entitled “The 2010 Trade Agenda.”

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Mr. WEBB. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be authorized to meet during the session of the Senate on March 3, 2010, at 9:30 a.m. to conduct a hearing entitled “Chemical Security: Assessing Progress and Charting a Path Forward.”

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. WEBB. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on March 3, 2010, at 2:15 p.m. in room SD-226 of the Dirksen Senate Office Building, to conduct a hearing entitled “Encouraging Innovative and Cost-Effective Crime Reduction Strategies.”

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON VETERANS' AFFAIRS

Mr. WEBB. Mr. President, I ask unanimous consent that the Committee on Veterans' Affairs be authorized to meet during the session of the Senate on March 3, 2010. The Committee will meet in room 418 of the Russell Senate Office Building beginning at 9:30 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON FEDERAL FINANCIAL MANAGEMENT, GOVERNMENT INFORMATION, FEDERAL SERVICES, AND INTERNATIONAL SECURITY

Mr. WEBB. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs' Subcommittee on Federal Financial Management, Government Information, Federal Services, and International Security be authorized to meet during the session of the Senate on March 3, 2010, at 2:30 p.m. in order to conduct a hearing entitled “Oversight Challenges In The Medicare Prescription Drug Program.”

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON OCEAN, ATMOSPHERE, FISHERIES, AND COAST GUARD

Mr. WEBB. Mr. President, I ask unanimous consent that the Subcommittee on Oceans, Atmosphere,

Fisheries, and Coast Guard of the Committee on Commerce, Science, and Transportation be authorized to meet during the session of the Senate on March 3, 2010, at 10 a.m., in room 253 of the Russell Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON STRATEGIC FORCES

Mr. WEBB. Mr. President, I ask unanimous consent that the Subcommittee on Strategic Forces of the Committee on Armed Services be authorized to meet during the session of the Senate on Wednesday, March 3, 2010, at 2:30 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGES OF THE FLOOR

Mr. BAUCUS. Mr. President, I ask unanimous consent that the following staff be allowed the privilege of the floor during consideration of the pending bill: Mary Baker, Ivie English, Lucas Hamilton, Sam Kohn, Scott Mathews, Tsveta Polhemus, and Meena Sharma.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to consider Executive Calendar Nos. 603, 604, 610, 625, 629, 630, and 700 so that the nominees be confirmed en bloc, the motions to reconsider be laid upon the table en bloc; that no further motions be in order; and that any statements related to the nominations be printed in the Record; that the President be immediately notified of the Senate's action, and the Senate then resume legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations considered and confirmed en bloc are as follows:

DEPARTMENT OF STATE

Laura E. Kennedy, of New York, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, for the rank of Ambassador during her tenure of service as U.S. Representative to the Conference on Disarmament.

Eileen Chamberlain Donahoe, of California, for the rank of Ambassador during her tenure of service as the United States Representative to the UN Human Rights Council.

ADMINISTRATIVE CONFERENCE OF THE UNITED STATES

Paul R. Verkuil, of Florida, to be Chairman of the Administrative Conference of the United States for the term of five years.

DEPARTMENT OF HOMELAND SECURITY

Elizabeth M. Harman, of Maryland, to be an Assistant Administrator of the Federal Emergency Management Agency, Department of Homeland Security.

FEDERAL TRADE COMMISSION

Julie Simone Brill, of Vermont, to be a Federal Trade Commissioner for the term of seven years from September 26, 2009.

Edith Ramirez, of California, to be a Federal Trade Commissioner for the term of seven years from September 26, 2008.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Lillian A. Sparks, of Maryland, to be Commissioner of the Administration for Native Americans, Department of Health and Human Services.

NOMINATION OF JULIE BRILL

Mr. LEAHY. Mr. President, I am pleased that the Senate today confirmed Julie Brill as Commissioner of the Federal Trade Commission, FTC. I have known Julie for her work during nearly 20 years as an Assistant Attorney General from Vermont, and believe that both the FTC and consumers around the country will benefit greatly from her appointment.

Ms. Brill is extremely well qualified to serve as an FTC Commissioner. She graduated from Princeton University and New York University Law School, served as a law clerk to the Vermont Federal Judge Franklin Billings, and served both as an Assistant Attorney General in Vermont and General Counsel of the Vermont Department of Banking, Insurance and Securities. Most recently, Ms. Brill worked as Senior Deputy Attorney General of the Consumer Protection Division in the North Carolina Department of Justice. Over her professional career, Ms. Brill has worked on critical issues in agriculture, tobacco, food, pharmaceuticals, and identity theft. Her expertise and intelligence have allowed her to excel in all of these areas.

The FTC has an important role in protecting consumers from unfair and deceptive trade practices as well as anticompetitive behavior by businesses. Ms. Brill will serve consumers well in her new position as a Commissioner.

Ms. Brill has spent much of her professional life working on behalf of the people of Vermont, and I look forward to continuing to work with her as she helps to advance Chairman Leibowitz's active agenda. I know her family, and was delighted to introduce her at her confirmation hearing. I congratulate Ms. Brill on her confirmation.

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will resume legislative session.

ORDERS FOR THURSDAY, MARCH 4, 2010

Mr. REID. I ask unanimous consent that when the Senate completes its business today, it adjourn until 9:30 a.m., Thursday, March 4; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and the Senate resume consideration of H.R. 4213, the Tax Extenders Act.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. REID. There will be rollcall votes throughout the day tomorrow as we continue to work through this important legislation.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. REID. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand adjourned under the previous order.

There being no objection, the Senate, at 7:57 p.m., adjourned until Thursday, March 4, 2010, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate:

THE JUDICIARY

SCOTT M. MATHESON, JR., OF UTAH, TO BE UNITED STATES CIRCUIT JUDGE FOR THE TENTH CIRCUIT, VICE MICHAEL W. MCCONNELL, RESIGNED.

DEPARTMENT OF JUSTICE

KENNETH J. GONZALES, OF NEW MEXICO, TO BE UNITED STATES ATTORNEY FOR THE DISTRICT OF NEW MEXICO FOR THE TERM OF FOUR YEARS, VICE DAVID CLAUDIO IGLESIAS.

MICHAEL C. ORMSBY, OF WASHINGTON, TO BE UNITED STATES ATTORNEY FOR THE EASTERN DISTRICT OF WASHINGTON FOR THE TERM OF FOUR YEARS, VICE JAMES A. MCDEVITT.

WILLIE RANSOME STAFFORD III, OF NORTH CAROLINA, TO BE UNITED STATES MARSHAL FOR THE MIDDLE DISTRICT OF NORTH CAROLINA FOR THE TERM OF FOUR YEARS, VICE HARLON EUGENE COSTNER.

DEPARTMENT OF LABOR

JAMES L. TAYLOR, OF VIRGINIA, TO BE CHIEF FINANCIAL OFFICER, DEPARTMENT OF LABOR, VICE DOUGLAS W. WEBSTER, RESIGNED.

IN THE ARMY

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY JUDGE ADVOCATE GENERAL'S CORPS UNDER TITLE 10, U.S.C., SECTIONS 624 AND 3064:

To be major

MATTHEW H. ADAMS
CLAUDINE M. ANDOLA
LARRY A. BABIN, JR.
CHAD B. BALFANZ
JACOB D. BASHORE
RYAN BEERY
CANDACE M. BESHESSE
BRADFORD D. BIGLER
TIMOTHY J. BILECKI
JENNIFER J. BOWERSOX
HOLLY K. BRYANT
PAUL D. CARLSON
NAGESH CHELLURI
THOMAS L. CLARK, JR.
HOWARD C. CLAYTON
STEVEN J. COLLINS
JESSICA CONY
PATRICK L. DAVIS
JOHN C. DOHN II
JEROME P. DUGGAN
DAVID A. DULANEY
BONNIE L. DUNLOP
MATTHEW S. FITZGERALD
SCOTT R. FORD
LAWRENCE P. GILBERT
RICHARDE E. GORINI
JOHN J. GOWEL
KATHERINE S. GOWEL
PATRICK B. GRANT
JOSEPH P. GROSS
KEVIN G. HELLER
CARL E. HILL
KELLI A. HOOKE
SCOTT Z. HUGHES
NATHAN P. JACOBS
WILLIAM B. JENNINGS
KEVIN M. JINKS
ERIC A. JONKER
MICHAEL P. KAVANAGH
KEIRSTEN H. KENNEDY
ANDREW K. KERNAN
JOSHUA L. KESSLER
DANIEL R. KICZA
JACK H. KO
JOHN R. KOKOSZKA
MATTHEW A. KRAUSE
JOSEPH E. KRILL
DANIEL R. KUECKER
MARGARET V. KURZ